



Docket No. 44657-AAA-PCT-US/JPW/GJG/BJA

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Joseph R. Berger  
Serial No.: 10/052,961                      Group Art Unit: 1617  
Filed : January 18, 2002              Examiner: S. Wang  
Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING  
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY  
VIRUS-TYPE 1

05/11/2009 CCHAU1 00000026 10052961

02 FC:2251

65.00 OP

30 Rockefeller Plaza,  
New York, NY 10112  
May 6, 2009

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT IN RESPONSE TO SEPTEMBER 3, 2008 FINAL OFFICE ACTION AS  
A SUBMISSION UNDER 37 C.F.R. §1.114(C) TO THE ACCOMPANYING  
REQUEST FOR CONTINUED EXAMINATION AND PETITION FOR ONE-MONTH  
EXTENSION OF TIME**

This Communication is being filed to address the rejections made in the September 3, 2008 Final Office Action and the December 30, 2008 Advisory Action issued in connection with the above-identified application, and is the submission under 37 C.F.R. 1.114(c) to the accompanying Request for Continued Examination (R.C.E.). A Notice of Appeal was filed on February 3, 2009 in connection with the above-identified application which was stamped as received by the United States Patent and Trademark Office on February 6, 2009. Accordingly, a response was due April 6, 2009. Applicant hereby petitions for a one-month extension of time. The fee for a one-month extension of time for a small entity is SIXTY FIVE DOLLARS (\$65.00) and a check including this amount is enclosed. With a one-month extension of time a response is now due May 6, 2009. Accordingly, this Communication and accompanying R.C.E. are being timely filed.